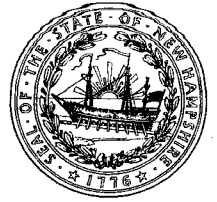




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 2006-025**

April 4, 2006

Rose Bowden
PO Box 1645
Seabrook, NH 03874

RE: DES Wetlands Bureau File #2006-578, Bowden, 6 Ava Mae Lane, Seabrook Tax Map 3 / Lot 2-30

Dear Ms. Bowden:

As you are aware, on November 10, 2005 personnel from the Department of Environmental Services ("DES") conducted an inspections of the above referenced property, more specifically referenced on the Town of Seabrook Tax Map 3 as Lot 2-30 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law, and NH Code of Administrative Rules Wt 100-800.

It has been determined that filling of approximately 1,500 sq. ft. of freshwater wetlands took place due to erosion of unstable slopes on the Property.

In response, you are requested to take the following actions:

1. **By June 5, 2006**, retain a qualified wetland professional to generate a plan which depicts existing conditions of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.
 - a. A detailed description of the proposed means of erosion control (silt fence, etc) and stabilization of the restoration area;
 - b. A detailed description of the proposed planting plan (wetland seed mix) for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - d. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

NHDES Wetlands Bureau Complaint File# 2006-578

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Department of Environmental Services
Wetlands Bureau – East Region
Attn: David Price, Compliance Investigator
50 International Drive
Suite 200
Portsmouth, NH 03801

Enclosed is a copy of the subdivision plan for your use. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at (603) 559-1514 or by e-mail at dprice@des.state.nh.us.

Sincerely,


Frank D. Richardson, Ph.D.
Senior Wetlands Inspector
Southeast Region Supervisor
DES Wetlands Bureau

FDR/dap

CERTIFIED MAIL 7002 2410 0001 6279 1338

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Tracey Boisvert, DES Wetlands Compliance Supervisor
Natalie Landry, DES Watershed Management Bureau
Paul Garand, Seabrook Code Enforcement
Seabrook Conservation Commission
Seabrook Planning Board
Jon Higgins, Powow River Watershed Association
Engelwood Construction
USACOE